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9 Attorneys for Plaintiff
MEMC Electronic Materials, Inc.

11 IN THE UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND DIVISION
14

15 MEMC ELECTRIC MATERIALS, INC., a
Delaware corporation,

16
17 Plaintiff,

18 v.

19 MITSUBISHI MATERIALS SILICON
CORPORATION, a corporation of Japan;
20 MITSUBISHI SILICON AMERICA
CORPORATION, a California corporation;
21 SUMITOMO MITSUBISHI SILICON
CORPORATION, aka SUMCO, a corporation of
22 Japan; SUMCO USA CORPORATION, aka
23 SUMCO USA, a Delaware corporation, and
24 SUMCO USA SALES CORPORATION, aka
SUMCO USA SALES, a Delaware corporation,

25 Defendants.
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Case No. C 01-4925 SBA (JCS),

**MISCELLANEOUS
ADMINISTRATIVE REQUEST TO
FILE DOCUMENTS UNDER SEAL
PURSUANT TO LOCAL RULE 79-
5 AND 7-10(b)**

1 Plaintiff MEMC Electronic Materials, Inc.'s, through its counsel, hereby requests the Court to
 2 file under seal the following documents:

- 3 1. Exhibits 33-36 and 39 to the Declaration Of Duane H. Mathiowetz In Support Of
 4 Plaintiff MEMC Electronic Materials, Inc.'s Motion For Summary Judgment Against
 5 Defendants' Invalidity Affirmative Defense.

6 It is necessary and appropriate to file these documents under seal in that reference is made
 7 throughout the motion to information and documents designated by Defendants as "Confidential –
 8 Attorneys' Eyes Only." The exhibits attached to the these declarations are also "Confidential –
 9 Attorneys' Eyes Only" documents. It is not practical to remove the confidential information or
 10 exhibits from the motion or declarations and make it meaningful.

11 Pursuant to Local Rule 79-5(d), within five (5) days after the filing of this document,
 12 Defendants must file with the Court and serve a declaration establishing that the designated
 13 information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must
 14 withdraw the designation of confidentiality. If Defendants do not file a responsive declaration as
 15 required by this rule, the proposed filing will be made part of the public record.

16 DATED: December 23, 2005

HOWREY LLP

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 18 By: /s/ Duane H. Mathiowetz
 19 Duane H. Mathiowetz


20 SENNIGER POWERS

21 Robert M. Evans, Jr.
 22 David W. Harlan
 23 Marc W. Vander Tuig

24 Attorneys for Plaintiff
 25 MEMC ELECTRONIC MATERIALS, INC.
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IT IS SO ORDERED.

Dated:6-20-06


SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT JUDGE